

TESTIMONY OF ERIC J. BROWN
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
before the
COMMERCE COMMITTEE
March 3, 2015

Good morning. My name is Eric Brown and I am an attorney with the Connecticut Business & Industry Association (“CBIA”) and director of its Environmental Policies Council. CBIA’s mission is to work with our members and public officials to make Connecticut a more attractive location for business investment in order to grow jobs and economic opportunity for those who live here. Our members include businesses from across the state of all sizes and from nearly every industry in Connecticut.

CBIA appreciates this opportunity to provide comment on S.B. 1018, An Act Concerning Regulations Exceeding Federal Standards or Procedures.

CBIA supports this legislation except for the proposed elimination of a small business analysis (line 28) and we recommend the proposed federal deviation analysis include an explanation of HOW the proposed regulations deviates from federal standards, as well as the explanation of WHY the deviation is proposed.

CBIA was intimately involved in the development of both the small business impact and the regulatory flexibility analysis currently required as part of the regulation rule-making process. We also strongly and successfully advocated for the current provisions of C.G.S. section 22a-6h which requires that proposed regulations from the Department of Energy and Environmental Protection that differ from federal standards or procedures be “clearly distinguishable from such standards or procedures either on the face of the proposed regulation or through supplemental documentation accompanying the proposed regulation . . . [and also include] . . . [a]n explanation for all such provisions . . .” [See C.G.A. 22a-6u].

Thus, current statute already requires the equivalent of the “federal deviation analysis” albeit only for regulations proposed by the Department of Energy and Environmental Protection. CBIA believes that it is important that agencies clearly distinguish where proposed state standards or procedures differ from federal corollary standards or procedures because this helps industries potentially impacted by the proposed regulations to both (i) evaluate and comment on the proposed deviations and (ii) help them comply with those deviations should the proposed regulations ultimately be adopted.

Additionally, CBIA strongly supports the current requirement for agencies to conduct an analysis of proposed regulations on small businesses. At the time of adoption, there was discussion of omitting the word “small” but it was decided to initiate the legislation with that qualifier with the intention of evaluating the possibility of broadening the scope of the analysis in the future. We would support such a measure but we oppose the apparent proposed elimination of the small business impact analysis in this bill.

In conclusion, CBIA greatly appreciates this committee’s long-standing and continued commitment to improving Connecticut’s regulatory climate. We urge you to modify the current language to include the requirement for clear identification of how proposed regulations differ from federal requirements and that the proposed removal of the existing statutory requirement for a small business analysis, be omitted.

Thank you again for this opportunity to comment.